

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MEDEQUA LLC,	:	
	:	
	:	<b><u>ORDER AUTHORIZING U.S.</u></b>
Plaintiff,	:	<b><u>MARSHAL OR DESIGNEE TO</u></b>
-against-	:	<b><u>ARREST FOR CONTEMPT</u></b>
	:	
O'NEILL & PARTNERS LLC,	:	21 Civ. 6135 (AKH)
	:	
Defendant.	:	
	:	
	:	
	:	
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ALVIN K. HELLERSTEIN, U.S.D.J.:

In an order dated August 17, 2021 (ECF 33), I ordered Defendant O'Neill & Partners LLC to deposit the full amount held in escrow—\$5,100,000.00—into the Disputed Ownership Fund (“DOF”) in the Court Registry Investment System (“C.R.I.S.”) of the U.S. District Court, Southern District of New York. In my order dated August 25, 2021 (ECF 36), I again ordered Defendant O'Neill & Partners LLC to deposit said funds, in order for the court to begin interpleader proceedings to determine the true owner of said funds and to transfer said funds to the true owner.

Defendant, through its managing partner, Brian O'Neill, failed to comply. I ordered O'Neill, by my order of September 15, 2021 (ECF 38), to comply by noon, September 20, 2021, or suffer contempt. That deadline has now passed. O'Neill has deposited \$ 3.3 million into the DOF, leaving a balance of \$1.8 million. O'Neill has failed to account for that \$ 1.8 million dollar balance, and thus has failed or refused to return \$1.8 million of the escrowed funds entrusted to him. Brian O'Neill, for personal reasons detailed in the sealed portions of the

record, has failed to comply or allowed O'Neill & Partners LLC to comply, with lawful court orders.

18 U.S.C. § 401 authorizes district judges to punish disobedience of lawful court orders by fine, imprisonment, or both. Under the circumstances, a fine will not be efficacious in achieving compliance. A fine will not resolve the personal reasons cited by Brian O'Neill (as described in the sealed portion of the record) and, in my opinion, will not lead to compliance with court orders. Accordingly, I order the following:

1. Defendant O'Neill & Partners LLC, located at 7714 Curtis Street, Chevy Chase, MD 20815, and its Managing Partner Brian O'Neill are adjudged in civil contempt of court for noncompliance with the orders of this Court described above.
2. The United States Marshal of this district, or of the district of Maryland, or of any other district in which O'Neill is found, is hereby ordered, himself or by any deputy or assistant Marshal, to arrest Brian O'Neill without any unnecessary delay, and hold him in custody until he purges himself of the contempt by depositing the full amount of the escrowed funds, \$5,100,000, with the Clerk of Court, or irrevocably instructing any depository of said funds to do so, for further transfer into the Disputed Ownership Fund ("DOF") in the Court Registry Investment System ("C.R.I.S.") of the U.S. District Court, Southern District of New York. The U.S. Marshal of any such district, or designated Deputy or Assistant U.S. Marshal, may use such reasonable force as to him seems reasonable or necessary to execute this order, including forcible entry into any

residence or domicile in which Brian O'Neill reasonably is believed to be present and fails or refuses to submit to arrest.

SO ORDERED.

Dated: September 23, 2021  
New York, New York

A handwritten signature in black ink, appearing to read "Alvin K. Hellerstein", written over a horizontal line.

ALVIN K. HELLERSTEIN  
United States District Judge